

FILED

FEB 28 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA1 SCOTT N. SCHOOLS (SCBN 9990)
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8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)

CR No.: 3-07-70083 MEJ

14)
15 Plaintiff,)STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME

16 v.)

17 ERNESTO R. RODRIGUEZ,)

18 Defendant.)
19)
20)

21 On February 15, 2007, the parties in this case appeared before the Court for a detention
 22 hearing. At that time, the parties requested and the Court agreed to continue the hearing to
 23 February 22, 2007. The parties further stipulated that pursuant to Federal Rule of Criminal
 24 Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from February 15,
 25 2007, to and including February 22, 2007. The parties agree that – taking into account the public
 26 interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant
 27 also agrees to exclude for this period of time any time limits applicable under Title 18, United
 28 States Code, Section 3161. The parties represented that granting the continuance was the

1 reasonable time necessary for continuity of defense counsel and effective preparation of defense
2 counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).
3 The parties also agreed that the ends of justice served by granting such a continuance
4 outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §
5 3161(h)(8)(A).

6 SO STIPULATED:

7 SCOTT N. SCHOOLS
Interim United States Attorney

8
9 DATED: 2/23/2007

/s/ Derek Owens

10 DEREK OWENS
Special Assistant United States Attorney

11 DATED: 2/26/2007

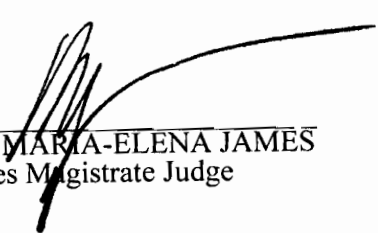
/s/ Steven Koeninger

12 STEVEN KOENINGER
Federal Public Defender

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14 For the reasons stated above, the Court finds that an exclusion of time from February 15,
15 2007, to and including February 22, 2007, is warranted and that the ends of justice served by the
16 continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18
17 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would
18 deny Mr. Rodriguez continuity of counsel and would deny defense counsel the reasonable time
19 necessary for effective preparation, taking into account the exercise of due diligence, and would
20 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

21
22 SO ORDERED.

23 DATED: 2-28-07

24 
THE HON. MARIA-ELENA JAMES
United States Magistrate Judge